

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FADY AL HAMARNEH,

Plaintiff,

v.

UNITED AIRLINES, TONY CALMUSA,
EVA CASTILLO, SEVAN KARABETIAN,
CYRUS SARKARI, SAL SANCHEZ,
ERICKA BALDWIN, ANETTE GADSON,
BOBBI COULTON, and CATHERINE
PIMENTAL,

Defendants.

: CIVIL ACTION NO.:
:
:

NOTICE OF REMOVAL

To: The Honorable Judges
Martin Luther King Building & U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Defendant United Airlines, Inc. (improperly pled as “United Airlines”) (“United”) by and through its attorneys, Nukk-Freeman & Cerra, P.C., respectfully petitions this Court for the removal of the above-entitled case from the Superior Court of New Jersey, Law Division, Essex County to the United States District Court, District of New Jersey pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and, in support thereof, respectfully states as follows:

1. On or about March 22, 2024, Plaintiff Fady Al Hamarneh (hereinafter, “Plaintiff”) filed a Verified Complaint & Jury Demand against United in the Superior Court of New Jersey, Law Division, Essex County, Docket No. ESX-L-002050-24 (hereinafter, “the State Court Action”), which is now pending in that Court. A copy of the Verified Complaint (with Civil Case Information Statement, Civil Summons and Track Assignment) is annexed hereto as **Exhibit A.**

2. United accepted service of the Summons and Complaint on April 12, 2024. A copy of United's Acknowledgement of Service is annexed hereto as **Exhibit B**.

3. To date, Defendants Tony Calamusa ("improperly pled as "Tony Calmusa") and Eva Castillo have not been served with the Complaint.

4. On April 16, 2024, Plaintiff filed a stipulation of dismissal, dismissing Defendants Sevan Karabetian, Cyrus Sarkari, Sal Sanchez, Ericka Baldwin, Anette Gadson, Bobbi Coulton, and Catherine Pimental with prejudice. A copy of the Stipulation of Dismissal is annexed hereto as **Exhibit C**.

5. United makes its first appearance in this matter by way of this Notice of Removal and the Notice of Filing of Notice of Removal, which is being filed concurrently in the State Court Action.

6. This Court has original jurisdiction over the claims set forth in the State Court Action pursuant to 28 U.S.C. §§1331 and 1441(a). Specifically, Plaintiff has asserted claims of discrimination and harassment based on race and national origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e to § 2000e-17 ("Title VII") and retaliation in violation of Title VII. Due to Plaintiff's claims under these federal statutes, removal to this Court is appropriate under 28 U.S.C. §1441(a), without regard to the citizenship or residence of the parties or the amount in controversy.

7. This Court has supplemental jurisdiction over any of Plaintiff's claims not arising under the laws of the United States pursuant to 28 U.S.C. § 1367, including Plaintiff's claims for race and ethnicity discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. §§ 10:5-1, et seq. ("NJLAD"), hostile work environment on the basis of race and ethnicity in violation of the NJLAD, retaliation in violation of the NJLAD, common law wrongful

termination, deprivation of equal protection in violation of the New Jersey Civil Rights Act, N.J.S.A. §§ 10:6-1 et seq., and intentional infliction of emotional distress.

8. This Notice of Removal is filed within 30 days of United being served with the Verified Complaint. Thus, this Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure.

9. Based upon the allegations in the Verified Complaint, and without waiving any challenges with respect to same, venue is proper in the United States District Court for the District of New Jersey in that the action was filed in the Superior Court of New Jersey, Law Division, Essex County.

10. As of this date, no discovery has issued or commenced.

11. By filing this notice, United neither admits any factual allegations, nor waives any affirmative defenses and/or preliminary objections that may be available to them.

12. Upon filing this Notice of Removal, United shall give written notice thereof to attorneys for Plaintiff. Also, United shall file true and correct copies of said Notice of Removal with the Clerk of the Superior Court of New Jersey, Law Division, Essex County.

WHEREFORE, United hereby respectfully requests that the Court remove this action from the Superior Court of New Jersey, Law Division, Essex County, to the United States District Court for the District of New Jersey, wherein it shall proceed as an action originally commenced therein.

NUKK-FREEMAN & CERRA, P.C.

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Dated: May 9, 2024